

# Notice of Allowability

Application No.

09/624,253

Examiner

Tony Mahmoudi

Applicant(s)

MORIYA ET AL

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 19-November-2004.
2. ☒ The allowed claim(s) is/are 3-24, re-numbered as claims 1-22.
3. ☒ The drawings filed on 24 July 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 10/18/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**CHARLES RONES**  
**PRIMARY EXAMINER**

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19-November-2004 has been entered. In addition, the amendment filed on 19-November-2004 has been entered as the preliminary amendment to the claims.

### ***Remarks***

2. In response to the Amendment filed on 19-November-2004, claim 1 has been canceled, claims 3-8, 10-11 and 18 are amended, and new claims 21-24 have been added per applicant's request. Therefore, claims 3-24 are presently pending in the application, of which claims 7, 8, 10, 11, 18, 19, and 20 are in independent form.

### ***Allowance***

3. Claims 3-24 are allowed over the prior art made of record.

4. The following is an examiner's statement of reasons for allowance:

The applicant's amendment filed on 19-November-2004, overcomes the cited prior art with respect to the independent claims:

Previously objected to dependent claims 7 and 8 (for containing allowable subject matter) have been re-written in independent form, including all of the limitations of the base claim and any intervening claims, therefore, becoming allowable as independent claims 7 and 8. Independent claims 10, 11, and 18 have also been amended to include the limitations of original claim 8, objected to previously for containing allowable subject matter. Claims 19 and 20 were previously allowed over the prior art made of record.

The prior art of record, Hiyama et al (U.S. Patent No. 6,269,379), Abecassis (U.S. Patent No. 6,504,990), and Vaithilingam et al (U.S. Patent No. 6,411,724), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the contents additional service means comprises a plurality of editing means for respectively editing and processing the retrieval result not suitable for terminal information obtained from the user terminal, and the plurality of editing means are properly selectable in one of an image retrieval requiring side, an image retrieval performing side and a contents providing side on which the images are registered in the data base, as claimed in independent claim 7.

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Claims 3-6 and 9 are allowed over the prior art made of record because they are dependents from the allowed independent claim 7.

The prior art of record, Hiyama et al (U.S. Patent No. 6,269,379), Abecassis (U.S. Patent No. 6,504,990), and Vaithilingam et al (U.S. Patent No. 6,411,724), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the image format includes at least one of a coding method of the image of the retrieval result, a bit rate, a frame rate, a resolution degree and a file size, as claimed in independent claims 8, 10, 11, 18, and 20.

Claims 21-24 are allowed over the prior art made of record because they are dependents from the allowed independent claim 8.

Claims 12-17 are allowed over the prior art made of record because they are dependents from the allowed independent claim 11.

The prior art of record, Hiyama et al (U.S. Patent No. 6,269,379), Abecassis (U.S. Patent No. 6,504,990), and Vaithilingam et al (U.S. Patent No. 6,411,724), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

wherein the contents additional service means further comprises:

a plurality of editing means for respectively editing and processing the retrieval result not suitable for the terminal information of the user terminal, and the plurality of editing means

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are properly selectable in one of an image retrieval requiring side, an image retrieval performing side and a contents providing side on which the images are registered in the data base, as claimed in independent claim 19.


*Conclusion*

5. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (571) 272-4083.

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December 13, 2004

  
CHARLES RONES  
PRIMARY EXAMINER